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10/693,530	10/24/2003	David L. Rieschick	291448-00136	2308

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ECKERT SEAMANS CHERIN & MELLOTT  
600 GRANT STREET  
44TH FLOOR  
PITTSBURGH, PA 15219

EXAMINER
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MORRISON, THOMAS A

ART UNIT	PAPER NUMBER
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3653

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/20/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/693,530

Applicant(s)

RIESCHICK, DAVID L.

Examiner

Thomas A. Morrison

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-12,14 and 18-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2,6 and 8-12, 14 and 18-21 is/are rejected.
- 7) ☒ Claim(s) 1,3,5 and 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The indicated allowability of claims 12, 14, 18 and 20 is withdrawn in view of the newly discovered reference(s) to U.S. Patent No. 5,566,933 (Salancy). Also, claims 19 and 21 were found to indefiniteness issues. Rejections based on the newly cited reference(s) follow. The examiner regrets any inconvenience that may have been caused by this new rejection. Applicant's representative is welcome to contact the examiner to try to work out proposed amendments.

#### ***Claim Objections***

2. Claim 1 is objected to because of the following informalities: (1) "first vacuum belts" in line 14 of claim 1 should be -- first set of vacuum belts --. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 2, 6, 8-11, 19 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 2, it is noted that claim 1 recites, "a vacuum chamber..." Claim 2, which depends from claim 1, then recites, "wherein a vacuum chamber..." It is unclear if the recited "a vacuum chamber" in claim 2 is the same or different from the previously recited "a vacuum chamber" in claim 1.

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Regarding claim 6, it is noted that claim 1 recites, "at least one row of apertures..." in line 8. Claim 6, which depends from claim 1, then recites, "wherein the outer rotating portion defines at least one row of apertures". It is unclear if the recited "at least one row of apertures" in claim 6 is the same or different from the previously recited "at least one row of apertures" in claim 1.

Claim 6 recites the limitation "the apertures of the inner stationary portion" in line 8. There is insufficient antecedent basis for this limitation in the claim.

Regarding claim 19, it is noted that claim 18 recites, "at least one row of apertures..." in line 9. Claim 19, which depends from claim 18, then recites, "wherein the outer rotating portion defines at least one row of apertures". It is unclear if the recited "at least one row of apertures" in claim 19 is the same or different from the previously recited "at least one row of apertures" in claim 18.

Claim 19 recites the limitation "the apertures of the inner stationary portion" in line 8. There is insufficient antecedent basis for this limitation in the claim.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 12 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,566,933 (Salancy).

Regarding claim 12, Figs. 3-7 show a rippler (222) for a paper deliverer having a top plate, the rippler comprising:

a ridge (234) structured to cause a paper passing over the rippler (222) to develop a ripple (Fig. 4) substantially parallel to a direction of movement within the deliverer, wherein the rippler (222) is an elongated member (Fig. 7) having a hook (226) for securing the rippler to the top plate of the deliverer. Figs. 3-7 show this claimed arrangement. In any event, it is also noted that the recitation "for a paper deliverer having a top plate" in line 1 of claim 12 is a statement of intended use. In addition, the recitation "for securing the rippler to the top plate of the deliverer" in lines 5-6 is a statement of intended use. As such, these recitations need **not** be given patentable weight.

Regarding claim 14, Figs. 5-7 show that the rippler (222) defines a pair of ends, with the hook (226) disposed on one end, and the ridge (234) disposed on the opposite end.

#### ***Claim Rejections - 35 USC § 103***

5. Claims 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,566,933 (Salancy) as applied to claim 12 above, and further in view of the numbered paragraphs [0003] and [0004] in the background section of the instant application. The background section of the instant application has been considered admitted prior art.

Regarding claim 18, Figs. 3-7 of U.S. Patent No. 5,566,933 (Salancy) disclose a rippler (222), as claimed. Also, Figs. 3-7 of U.S. Patent No. 5,566,933 (Salancy) show a

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paper deliverer, in which the deliverer has a first conveyer station (11) with a first set of belts (11a and 11b), and a substantially coplanar path 13 leading to a next successive station. See e.g., Fig. 1 and column 3, lines 10-18. As mentioned above, the Salancy patent discloses a plurality of sheet handing stations and has conveyer belts (11a and 11b). Thus, the Salancy patent does not specifically show first and second sets of vacuum belts and a vacuum roller, as claimed.

However, the numbered paragraph [0003] of the background section of the instant application discloses that it is well known to use a vacuum sheeter as an alternative to belts, in which the vacuum sheeter includes a first set of vacuum belts (line 4 of paragraph [0003]), each belt within the first set having a pair of ends with a pulley at each end (lines 1-2 of paragraph [0003]), and a plurality of apertures defined along the belts (line 3 of paragraph [0003]), and a vacuum chamber disposed below top surfaces of the first set of vacuum belts (lines 2-3 of paragraph [0003]), structured to provide a suction through the apertures (lines 3-4 of paragraph [0003]);

a vacuum roller (line 5 of paragraph [0003]) disposed adjacent to one end of the first set of vacuum belts. The vacuum roller inherently defines a pair of ends. The vacuum roller defines a hollow interior (line 8 of paragraph [0003]), and at least one row of apertures (lines 6-7 of paragraph [0003]), each row of apertures extending axially down a length of the vacuum roller (lines 6-7 of paragraph [0003]), the vacuum roller further comprising a vacuum fitting in communication with the hollow interior (line 8 of paragraph [0003]); and

a second set of vacuum belts (line 9 of paragraph [0003]) disposed adjacent to the vacuum roller (line 10 of paragraph [0003]), each belt within the second set having a pair of ends with a pulley at each end, and a plurality of apertures defined along the belts. See lines 9-10 of paragraph [0003] which explain that the second set of vacuum belts are similar to the first set but are moving at a slower speed. It is well known in the art to replace belts with a vacuum belt arrangement for the purpose of more securely holding sheets down on such vacuum belt arrangement. It would have been obvious to one of ordinary skill in the art at the time the invention was made, to replace the belt transport arrangement of the Salancy patent with the vacuum sheeter arrangement (i.e., first set of vacuum belts, vacuum roller, and second set of vacuum belts) of the numbered paragraph [0003] of the background section of the instant application, because this merely involves replacing one well-known conveying arrangement with another well known conveying arrangement that performs substantially the same function with the added advantage of the vacuum sheeter arrangement being able to more securely hold sheets during conveyance. Providing the first set of vacuum belts, the vacuum roller and the second set of vacuum belts of numbered paragraph [0003] in place of the aligned and coplanar elements (e.g., element 11b and element 13) of the Salancy patent, will result in the vacuum roller being substantially parallel to the pulleys of the first set of vacuum belts, and the second set of vacuum belts being coplanar with the first set of vacuum belts, as claimed.

Regarding claim 20, the combination of the Salancy patent and the admitted prior art of paragraphs [0003] and [0004] of the background section disclose all of the

elements of claim 5, except for the number of rows of holes in the vacuum roller. It would have been an obvious matter of design choice to provide the vacuum roller with four rows of holes, since applicant has not disclosed that providing more or less rows of holes solves any stated problem or is for any particular purpose and it appears that the invention would perform equally with more rows of holes. One of ordinary skill in the art would have been motivated to provide four rows of holes to provide sufficient suction to the vacuum roller to convey sheets.

***Response to Arguments***

6. Applicant's arguments with respect to claims 12, 14 and 18-21 have been considered but are moot in view of the new ground(s) of rejection.

***Allowable Subject Matter***

7. Claims 1, 3, 5 and 7 would be allowable if rewritten to overcome the objection to claim 1 outlined above. Claims 2, 6, 8-11, 19 and 21 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Morrison whose telephone number is (571) 272-7221. The examiner can normally be reached on M-F, 8am - 5pm.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

03/17/2007

A handwritten signature in black ink, appearing to be 'PM' or similar initials, written in a cursive style.

PATRICK MACKEY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600